**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**APPELLATE JURISDICTION**
**CRIMINAL APPLICATION NO.1888 OF 2007**

1.Darbari Jetha Marandi
2.Shivkumar Jamunaprasad Tiwari
3. Chandrikaprasad Chintamani Tripathi ..Applicants.
Vs.
The State of Maharashtra ..Respondent.

Mr.K.M.Giri, adv. for the Applicants.
Mr.U.V.Nikam, adv. for the Respondent.

**CORAM : J.H.BHATIA, J.**
**DATE : JULY 13, 2007.**

P.C.

1. Heard the learned counsel for the Parties.

2. The present applicants are original accused nos.1 to 3 in crime no.I-423 of 2006 registered with Panvel City Police Station under Section 302 of the I.P.C. According to the prosecution, the deceased had trespassed into the premises of Express Repairing Service Company (ERS) and was committing theft of some articles. At that time the present applicants, who were working as security guards in the said company caught hold of the deceased, tied him with nylon rope to a tree and severely beat him with fists and kick blows. One more person namely, Suryakant Gaikwad, who was sweeper also assaulted the deceased with fists and kick blows as well as with a stick and as a result of beating, he had died. It may be noted that earlier the Criminal Application No.374 of 2007 filed by the

present applicants was rejected by this Court on 2nd March, 2007. However, in Criminal Application No.1551 of 2007 filed by the accused no.4 Suryakant Gaikwad, bail has been granted by the order dated 4th June, 2007 (Coram: V.K.Tahilramani, J.). The said order reveals that the cause of death is head injury with multiple contusions over abdomen. As there was no specific evidence to show that the accused no.4 had assaulted on head, he was granted bail. The learned counsel for the applicants makes a statement that against the present applicants also there is no specific statement to show that any of them had assaulted on head. Infact, there is nothing to show that they had used any weapon or sticks while stick was used by Suryakant Gaikwad, who is already granted bail.

2. Therefore, the applicants Darbari Jetha Marandi, Shivkumar Jamunaprasad Tiwari and Chandrikaprasad Chintamani Tripathi be released on bail on executing P.R.Bond of Rs.10,000/- each with one or two sureties to make up the said amount in Crime No.I-423 of 2006. The applicants shall report to the concerned police station once in a month till the conclusion of the trial.

3. Application stands disposed off.

[J.H.BHATIA, J.]